

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Marlin Thomas,

Petitioner,

v.

Case No. 1:12cv878

Warden, Warren Correctional
Institution,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on July 22, 2020 (Doc. 22).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R (Doc. 22) have been filed.

Accordingly, it is **ORDERED** that the R&R (Doc. 22) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, Petitioner’s Motion for Relief from Judgment (Doc. 21) is **DENIED** because it is extremely untimely and, further, because the objections (Doc. 20) Petitioner wishes the Court to belatedly consider are without merit.

Petitioner is denied a certificate of appealability. Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that, for the reasons expressed in the R&R (Doc. 22), an appeal of this Order would be objectively frivolous and therefore not taken in good faith.

Thus, Petitioner may not appeal *in forma pauperis*.

IT IS SO ORDERED.

/s/ Michael R. Barrett
Michael R. Barrett, Judge
United States District Court